



APPLIES TO ACADEMIC YEAR 2016/2017

EMS 3524 Real Estate Law II

Programme

Bachelor of Real Estate (2. year)

Responsible for the course

Thorunn Falkanger

Department

Department of Law

Term

According to study plan

ECTS Credits

7,5

Language of instruction

Norwegian

Introduction

The students will acquire knowledge about the legal regulation of the real estate business.

Learning outcome

Acquired knowledge

The aim of the course Real Estate Law II is that the students shall gain knowledge about the rules of law governing the acquisition of real estate and the rules that restrict how real estate may be used, as well as the rules on the boundaries between properties. The students shall gain an understanding of the rules of law concerning owner control and governmental control, legal issues concerning prescriptive rights, easements and the boundaries of real estate. The students shall learn about rules concerning nature and environmental law that are important for sales of real estate. The students shall have an in-depth knowledge of rules in family law, inheritance and probate law, as well as an understanding of allodial privilege and primogeniture, especially with regard to the sale of real estate.

The students shall have an adequate understanding of the topics that are covered by the discipline. The terms knowledge, in-depth insight and understanding indicate which specialist level that is required. The most extensive knowledge is required when the term understanding is used.

Acquired skills

The aim of the course is to enable the students to handle tasks in a real estate agency associated with issues concerning possession in law and governmental control, prescriptive rights, easements and the boundaries of real estate, acquisition of real estate and the rules that restrict how real estate may be used. The students shall also learn how to manage issues relating to family law, inheritance and probate law, including issues on inheritance tax, allodial privilege and primogeniture.

Reflection

In order to be able to practice their tasks in a manner that safeguards the interests involved in a property transaction, a real estate agent must have an appropriate ethical reflection ability and attitude, as well as professional knowledge within the legal topics discussed in the course.

Prerequisites

EMS 3416 Law and Real Estate, JUR 3430 Business Law or JUR 3420 Marketing Law.

Compulsory reading

Books:

Bråthen, Tore og Margrethe Røse Solli, red. 2012. Lærebok i praktisk eiendomsmegling. Del 2. Rev. utg. Norges Eiendomsmeidlerforbund. kap. 6
Falkanger, Thor. 2016. Fast eiendoms rettsforhold. 5. utg. Universitetsforlaget
Norges lover. Siste utg. Fagbokforlaget Vigmostad & Bjørke
Unneberg, Inge. 2009. Familierett, arverett og odelsrett for eiendomsmeidlere. 2. utg. I. Unneberg

Recommended reading

Books:

Bull, Kirsti Strøm og Winge, Nikolai K. 2009. Fast eiendoms rettsforhold, kort og godt. Universitetsforlaget

Course outline

1. Laws governing owner control and governmental control

- The planning and building act and other laws governing the building of new houses and changes to existing buildings.
- Concession legislation (Falkanger § 7.6)
- The owner's disposal of real estate

Compulsory literature:

Bråthen/Røse Solli (red.): Lærebok i praktisk eiendomsmedling, del II, kap. 6, Lov og rett for næringslivet kap.16
Falkanger, Thor. 2016. Fast eiendoms rettsforhold. 5. utg. Universitetsforlaget, § 7.6 og § 2

2. Other subjects related to property law

- Legal rules on common usage of real estate
- Legal rules on restrictive rights in real estate (restrictive covenants, ground lease)
- Legal rules on real estate boundaries
- Neighbour law
- Right to redeem allodial land

Compulsory literature:

Falkanger, Thor. 2016. Fast eiendoms rettsforhold. 5. utg. Universitetsforlaget § 3.5, § 4, § 5.5, § 11, § 12, § 13.

- Rettsreglene om hevd av fast eiendom (Falkanger § 5.5)
- Rettsreglene om begrensede rettigheter i fast eiendom (servitutter) (Falkanger § 12)
- Rettsreglene om fast eiendoms grenser (Falkanger § 4)
- Eiers rett og naboene (Falkanger § 13)
- Løsningsrettigheter (Falkanger § 3.5)
- Tomtefeste (Falkanger § 11)

3. Family, inheritance and probate law

- Economic consequences of marriage, including contracting on behalf of the spouse
- Laws on and consequences of divorce
- Laws of succession (family/spouses), including regulations on statutorily prescribed share
- Laws on the drawing up of wills
- Laws on probate cases
- Unmarried cohabitation

Compulsory literature:

Unneberg, Inge: Familie-, arve- og odelsrett for eiendomsmedlere, kompendium for eiendomsmedlerstudiet, 2009

5. Allodial rights and primogeniture

- Laws on the right to acquire allodium and on the procedures for such acquisitions.
- Allodial privilege
- Primogeniture

Compulsory literature:

Unneberg, Inge: Familierett, arverett og odelsrett for eiendomsmedlere, kompendium for eiendomsmedlerstudiet, 2009.

Computer-based tools

No particular computer-based tools are used in the course.

Learning process and workload

As part of the teaching programme the students could be divided into small discussion groups and will work on assignments associated with each topic. The assignments will be discussed and reviewed in class after the discussion group work. The lecture form of teaching requires that the students before each lecture have studied the syllabus and the rules of law for the topic in question. The students are required to bring the code of laws and other study aids to the lectures and become familiar with them while studying the various topics. Parts of the syllabus must be studied through self-tuition.

Students will have the opportunity to submit a written work for correction and feedback.

Recommended workload in hours

Activity	Use of hours
Participation in lectures	34
Discussion group work supervised by the lecture	6
Preparations for lectures	45
Self-tuition / reading syllabus	50
Work on assignments	60
Exam	5
Total use of hours recommended	200

Use of hours

Examination

A five-hour individual written exam completes the course.

Examination code(s)

EMS 35241 Written exam, which accounts for 100 % of the grade in the course EMS 3524 Real Estate Law II, 7.5 credits.

Examination support materials

The Norwegian code of laws or another printed compilation of laws, reprints of laws and regulations, law texts, draft laws (the text only). Ethical rules for the Norwegian Real Estate Association. The students are required to acquire and use the latest editions of relevant laws and regulations.

Examination support materials at written examinations are explained under examination information in the student portal @BI. Please note use of calculator and dictionary. https://at.bi.no/EN/Pages/Exa_Hjelpemidler-til-eksamen.aspx

Re-sit examination

A re-sit examination is held every semester.

Additional information